IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

Crl.MC.No. 630 of 2007()

CRIME NO.74/94 OF VALAPPILSALA POLICE STATION RE-REGISTERED AS CRIME NO. 233/CR/94 BY CB CID
CP 277/00 OF J.F.C.M. KATTAKADA, NOW PENDING AS LP 41/04

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PETITIONER: ACCUSED NO.1

UDAYAKUMAR, AGED 35, S/O.GOPINATHAN,
KRISHNA VILASAM, NOOLIYODE, VALAPPIL SALA,
THIRUVANANTHAPURAM.

BY ADV. SMT.R.PADMAKUMARI

RESPONDENTS: STATE

STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NOs.630 & 632 OF 2007

Dated this the 8th day of March, 2007

ORDER

The common petitioner is the 1st accused in two committal proceedings pending before the Judicial Magistrate of the First Class, Kattakada. In those proceedings, allegations are raised against the petitioner in respect of the unnatural death of his wife. One proceeding is initiated on the basis of a police report, the other is initiated on the basis of a private complaint. Altogether, there were four accused persons. Accused 2 to 4 have already been found not guilty and acquitted, it is submitted. The death of the wife of the petitioner took place as early as in 1994. The petitioner was not available for trial. He has now surrendered before the learned Magistrate. He has been enlarged on bail. The petitioner has now come to this Court with these Crl.M.C. with a prayer that there may be a direction under Sec.482 of the Cr.P.C. for expeditious completion of the proceedings.

2. The petitioner was not available for trial. He had

surrendered before the court long later in 2007. The petitioner now wants the proceedings against him to be disposed of expeditiously as he has to return to his place of employment abroad within a period of 45 days.

3. The petitioner's conduct of not making himself available before the court earlier may be condemnable. But that does not militate against the requirement that the proceedings which commenced in respect of the incident which took place in 1994 has got disposed of expeditiously. In the circumstances of this case, I do not intend to fix any time limit. I need only express my opinion that it will only be appropriate for the learned Magistrate to complete the committal proceedings as expeditiously as possible. The learned Sessions Judge must also take note of the date of the incident i.e., in 1994 and take necessary action for expeditious disposal.

4. These Crl.M.Cs. are, in these circumstances, dismissed; but with the above specific observations regarding the need for expeditious disposal.

Sd/-

(R. BASANT, JUDGE)

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//true copy// **P.S. To Judge.**